

The objection to the Claims Rejections- 35 USC 102 and 103

The specification objections under 102 regarding the Applicant's invention were said to be anticipated by US Patent No. 5,718,400 to Dwy. Applicant request reconsideration and withdrawal of these objections since Dwy's handle design is based on a five-piece system "that interconnects the legs and bears against the user's arm while the user grasps the intermediate section of the frame to provide leveraged support for the frame" (Dwy. Background of The Invention, Paragraph #50). And further requires the user to grasp the intermediate section of the frame to brace the frame in a generally horizontal condition for the operation of the "rotatably" mounted section (Dwy. Background of The Invention Paragraph #50). Whereas, the Applicant's invention demonstrates a rotational hollow cylindrical locking mechanism that is **not obvious, because those skilled in the art would surely have implemented Applicant's superior design** requiring less material and parts if such design would have increase the effectiveness of Dwy's "rotatably" mounted section. Dwy's design is complex, depending on the stop screws set into a frame bearing against two connectors that must be guided by slots, and require the user to manipulate the handle for adjustment (Fig 7-8-see Detailed Description of the Preferred Embodiment, Dwy). **Applicant's invention demonstrates a plurality** with the hollow cylindrical locking mechanism using only one of the support arms as the locking edge. Additionally, having the efficiency of only one side of the hollow cylindrical locking mechanism as the locking end.

In addition, the omission of the elements in the Applicant's invention, as compared to Dwy's invention, for the hollow cylindrical locking mechanism demonstrates the Applicant's superior design with regards to simplicity without loss of capability as compared to Dwy's patented pivotal design, because Dwy's design requires five additional components for the pivotal assembly: 2 screws, 2 collars, and a connector. Additionally, Dwy's pivotal assembly also requires a handle to be attached to the assembly to operate the five-piece sectional mount when in a rotational movement.

Prior Art considered pertinent to Applicant's disclosure:

Prior art listed in O.A. (p.6) that is close to the Applicant's invention lists;

Kent, Jr. U.S. Patent, 5,738,315. Kent's Portable Holder for a Refuse Bag, inventors have created several types of frames to assist one to support an open container or bag and these frame have been patented in numerous shapes and sizes, but Kent's frame as stated (column #3) the rod's 30,32. need not be hollow, and is used as a grip. The Applicant's invention demonstrates that the hollow cylindrical locking mechanism be hollow and requires a specified amount of material removed to operate and provides a duality bearing against one of the supporting arm's and for locking the bookstand in a closed and open position interconnecting the supporting arms.

Mitchell, Marilyn U.S. Patent, 5,413,394. Demonstrates a device for handling a plastic trash bag. The pivotal connection device is shown in two different configurations, both of which rely on a static frictional clamping mechanism (Detailed Description of the Invention #3, fourth paragraph). The static frictional clamping devices that Mitchell's designs rely are complex screw assemblies, springs, and connectors or a combination of all the said components to operate the plastic trash bag holder. In addition, Mitchell's admits the ineffectiveness of his static frictional clamping devices by stating that "eroding of the surface of the frame that occurs after extensive use of the device" (Detailed Description of the Invention Column #4, paragraph #3, line #6 and #7). Whereas, this Applicant's invention of a hollow cylindrical locking mechanism does not require complex assemblies, i.e., screws, or connectors. In addition, the Applicant's superior design's functionality will not deteriorate with time, because there are virtually no frictional forces acting on the hollow cylindrical locking mechanism or the bearing support arm.

Elis, John U.S. Patent, 4,041,626. Demonstrates a device for books in ribbon form this invention does not relate to books in traditional bindings of which this Applicant's invention is used.

Cheng-Cheng Ho U.S. Patent, 5,918,907. Demonstrates a reading apparatus capable of supporting reading materials. Cheng-Cheng's claims his Compact Reading Apparatus's volume can be minimized for transportation and storage (Background of the Invention Column #2, #1 paragraph) and claims that his apparatus has overcome the deficiencies of; High cost, complexity

in structure and had overcome the difficulty regarding manipulation, thus leaving room for further improvement. This Applicant's invention demonstrates **vast improvements** over Cheng-Cheng's apparatus. This is evident by the number of moving parts that would require machining to manufacture Cheng-Cheng's apparatus, totaling 7 parts, whereas the **Applicant's invention only has a total of three mechanical parts without any loss of functionality.**

Tsum-Chi Liao, U.S. Patent 5,383,634. Invention shows a collapsible guitar stand and although the guitar stand is similar in appearance the operation and design is significantly different from the Applicant's invention. For example, Tsum-Chi's stand could not support a book in a stable orientation due to the stand not having a lower horizontal support for a text book and the supporting rod's 22, 23. are curved at right angles that are designed to bear against a guitar. The Applicant's design, relating to the lower gripping supports are not at right angles and are designed to grip the lower edge of a book. In addition, Tsum-Chi's invention consist of over 20 part that would require expensive manufacturing cost. Additionally, Tsum-Chi's invention's collapsible design's "back leg (Tsum-Chi Summary of The invention paragraph #10) could not compare to the Applicant's invention collapsible design **comparing the efficiency of the percentage of height remaining** when Tsum-Chi's stand is collapsed as **compared to the Applicant's design when collapsed is only as high as the width of the widest component.**

The Applicant further request, as documented in the original Application, that "The Undersigned, pro Se applicant, respectfully requests that if the Examiner finds patentable subject matter disclosed in the application, but feels that Applicant's present claims are not entirely suitable, the Examiner draft one of more allowable claims for applicant" (**Request Under MPEP 707.07(j).**)

Conclusion

This Applicant has had success in marketing and distributing the collapsible bookstand (see website, www.collapsiblebookstand.com). The website demonstrates the bookstand's functionality, durability and shows several pictures of the bookstand being used by students. The collapsible bookstand has been extremely popular with college students throughout the

southwest, due to the portability, compactness and its affordability for the average student compared to other bookstands in the present market.

Conditional Request for Constrictive Assistance

The applicant has amended the specification and claims of this application so that they are proper, definite, and define novel structure which is also unobvious. If, for any reason this application is not believed to be in full condition for allowance, applicants respectfully request the constrictive assistance and suggestions of the Examiner pursuant to M.P.E.P. 217.02 and 707.07(j) in order that the undersigned can place this application in allowable condition as soon as possible and without the need for further proceedings.

Very respectfully,


James Richard Warner

-----Applicants Pro Se-----

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Certificate of Facsimile Transmission, I certify that on the date below I will mail this paper to GAU 3632 of the U.S. Patent and Trademark Officer at 703 305-8244.

2004 Nov. 20



James Richard Warner

Attachment: Appendix to Amendment A with additional paragraph.



Appendix to Amendment A

Commissioner for Patents

Washington, DC 20231

Sir:

Pursuant to Rule 121, the following is a copy of the paragraph amended by the attached Amendment A, with all changes indicated by hyphens.

Page 6, first paragraph, no new matter, add the following to the first paragraph:

--Additionally, **Fig. 1**, illustrates the said hollow cylindrical locking mechanism's (11) locking end, extending past one of the supporting arms 12. **Fig. 3**, also provides a collapsed view of the hollow cylindrical locking mechanism 11 extending past one of the said support arm 12, providing a two stop rotational hollow locking mechanism, locking against the front edge of the said support arm when the said bookstand is in an open position and against the rear of said support arm when the said bookstand is in a closed position, front means viewing the said bookstand in an open operational position--.